

COLER'S NEW MOVE ON THE ASSEMBLY.

For Holding Up Necessary
Appropriations Members
May Be Indicted.

GEN. WINGATE'S OPINION

Comptroller Says He Will Pre-
sent the Case to the Dis-
trict Attorney.

Comptroller Coler has been advised by General George W. Wingate, in a legal opinion, that members of the Municipal Assembly who have been holding up appropriations for public improvements are liable to indictment. Immediately after digesting General Wingate's opinion the Comptroller yesterday announced his intention of taking the case to the District Attorney.

Pending this the Comptroller hopes that the Assembly at its meeting on Tuesday will put through some, if not all, of the \$3,500,000 set aside by the Board of Estimate and Apportionment for paving, water supply and other necessities.

General Wingate in his opinion says: "There is, in my judgment, but one tribunal from which relief may be obtained, and that is the Grand Jury. The Penal Code prescribes that where any duty is enjoined by law upon any public officer a wilful omission to perform such duty is a misdemeanor. Under this provision the courts have held that wilful disregard by public officers of their duties subjects them to indictment."

"The Municipal Assembly is necessarily vested with a sound discretion as to whether it will or will not authorize a public improvement, or as to whether or not it will determine that a public expenditure is coming out of the city treasury. But where, as is the case with the present Assembly, a large number of members are holding up appropriations relating to the construction of not only necessary, but indispensable, public works and mandating the raising of money to meet pressing public obligations have been successfully brought before it, and instead of being voted upon upon them has been deferred and deferred for months and even for years by votes of certain of its members, in spite of the appeals made by the executive officers of the city, a case of misconduct in office is, in my opinion, made out which will fully justify the Grand Jury in indicting all those who are concerned in the matter."

Coler also thinks that under this principle those might be indicted who wilfully abstain themselves from a meeting where a measure is coming up, so that they can avoid the presence of the executive officers of the city, a case of misconduct in office is, in my opinion, made out which will fully justify the Grand Jury in indicting all those who are concerned in the matter."

Comptroller Coler on reading the opinion of the Grand Jury, says that he will not perform its duty it should be abolished or its powers should be curtailed. He favored the coming to the Municipal Assembly, giving the Board of Estimate power to issue bonds without consent from anybody. The system worked well under the present constitution. I shall certainly appeal to the Governor if the 'hold up' continues much longer."

Mayor Van Wyck, whose special messages urging quick action have repeatedly been ignored by the Municipal Assembly, has been yesterday to discuss the matter. He and the Comptroller have, however, had a number of conferences, and the entire executive branch of the city government are backing him in his campaign against the delinquent members of the Municipal Assembly.

FIVE WANT TO SUCCEED HOOKER IN CONGRESS.

All Have Backing, and Platt Is Trying
to Decide Between
Them.

Senator Platt is trying to choose between five men, the Republican candidates for Congress in the Thirty-fourth District, to succeed Mr. Hooker, who resigned to go upon the campaign. Those who have entered for the race are Charles H. Brown, of Allegheny, who has the backing of Dorothea, William J. Glen, of the House of Representatives; John Jones and Mr. Weisman, of the same county; E. B. Vreeland, of Chautauque, and Charles M. Dow, of Cattaraugus. The other two are lawyers, Dow has back of him former Congressman Hooker, Judge Woodward and Arthur Wade. "There is no chance of the nomination of Senator Higgins of Cattaraugus. The district is strongly Republican. The primaries to be held in the convention next month were held yesterday."

FIREMEN MUST OPEN NOT BREAK WINDOWS.

Acting Chief Croker Issues an Order
That Will Save Property and
Prevent Accidents.

Acting Fire Chief Croker has ordered company commanders to discontinue the practice of allowing members of their companies, especially hook and ladder companies, to break glass in the windows of buildings instead of raising or lowering such windows as may be necessary to be opened.

The Chief states in his order that the practice "is not only a destruction of property, but has been the cause of many accidents to members of this department."

SHOT A POACHER FATALLY.

McGar, Who Took Trout from a Pre-
serve, at Death's Door.

Middletown, N. Y., June 10.—Frank McGar, John McGar and Albert Bush poached on the Orchard Lake trout preserve last night, and Frank McGar received a 44 calibre bullet in his leg which is likely to end his life.

The preserve is owned by Stoddard Hammond, of Binghamton. He employs Edward Tomkins, who did the shooting, to watch the trout. Tomkins went to Livingston Manor this morning and gave himself up.

EPIDEMIC OF SCARLET FEVER AT GUTTENBURG.

The Board of Health on Recommendation
of Physicians Has Closed
the Schools.

There is a scarlet fever epidemic in Guttenburg, N. J. Up to the present time about fifty cases have been reported to the Board of Health by the different physicians.

Dr. Justin and other physicians who are attending the sick children have recommended to the Board of Health that the public schools be closed during the coming week. The Board has decided to do so.

Push of roses for the complexion; you will be delighted. 24 cents, at Macy's.

NEGROES ASK FOR EQUAL JUSTICE.

Appeal to Southern Officials
to Enforce Laws
Impartially.

DENOUNCE LYNCHINGS.

They Denounce Women Assault-
ants and Demand Legal
Punishment.

Washington, June 10.—The Afro-American Council of the United States has issued an appeal to the Governors, legislatures and judicial officers of the Southern States to prevent lawlessness and to secure to all citizens the protection to which they are entitled under the laws.

After reference to the burning of Sam Hose, the lynching of Lige Strickland and the political riots in South Carolina and North Carolina, the appeal says:

"Since the first day of January there have been twenty-eight cases of lynching in the South, and every one of the victims were colored men. This is not only an unwarranted outrage upon them, but demoralizing to the white race.

"It terrorizes and humbles the former. It familiarizes the latter with lawlessness and crime, creating in them contempt for lawful authority and desire for mob rule. It is brutal and destructive to the best interests of both.

"The condemnation and denunciation in unmeasured terms criminal assaults upon women by whomsoever committed and desire the apprehension and legal punishment of every criminal guilty of the crime."

"All we ask is that the regular machinery of justice be employed and the accused given a fair trial impartially following the same process."

"The officers of the Southern States your people are in a large majority, and in all of them you are in absolute control. Every branch of the Government—executive, legislative and judicial—is in your hands. The judges are all white men and the jurors are almost exclusively composed of white men."

"Colored offenders have little chance for escape when guilty of a petty offence, and if guilty of a serious crime their conviction is certain. That is known of all men. There is, therefore, not the slightest excuse or justification for a resort to mob violence against colored criminals."

The appeal closes as follows:

"Your oath of office imposes upon you the duty to execute the laws and protect the people, irrespective of race or color. The reputation of your State, your honor and the safety of the nation are at stake. The demand that you rise to the level of the occasion, vindicate your assumption of the capacity to rule by the restoration of the majesty of the law, extending full protection to the humblest citizen under your jurisdiction."

WOMAN ARRESTED FOR WALKING ON THE GRASS.

Little Wallace Says Superintendent
Brown, of Mount Morris Park, Fol-
lowed and Insulted Her.

Little Wallace, of No. 233 West One Hundred and Eighteenth street, was walking through Mount Morris Park yesterday morning when, upon opening her pocket-book, a piece of paper was blown out. It fell on the grass and she stepped on the plot to recover the paper.

Superintendent John H. Brown came up and ordered her to leave the plot.

The woman says she walked out of the park and up to One Hundred and Twenty-sixth street, the superintendent following and abusing her. She went into a store, and the superintendent got Policeman Teevan, of the East One Hundred and Twenty-sixth street station, to arrest her. In Harlem Police Court the woman said the man had insulted her.

Brown said the woman walked on newly laid sod and talked spitefully to him. He denied insulting her.

Magistrate Simms discharged Miss Wallace.

MADE HERSELF POOR TO SAVE FATHER FROM JAIL.

Good the Defalcation for Which Her
Parent Was to Be Prosecuted.

Carlsile, Ill., June 10.—A young woman residing in Aviston, this county, by a sacrifice of property has prevented her father being made defendant in a criminal proceeding.

Anton Ellerman held the office of Village Treasurer for several years and was recently discovered to be a defaulter to the extent of several hundred dollars.

Ellerman appealed to his eighteen-year-old daughter, who owned a homestead, to save her father from being made defendant in a criminal proceeding.

The girl transferred the homestead, and the proceeds of the sale were used to make good the loss to the village.

The young woman is now compelled to seek employment.

WE ARE NOT READY YET TO HELP POLICE CHINA.

So Washington Answers Beresford's
Proposition, Though Our Inter-
est Is Recognized.

Washington, June 10.—The reply of the United States to Lord Charles Beresford's proposition that Great Britain, the United States, Germany and Japan go to China and organize her army for the protection of the quai's interests is that this country is not yet ready.

An influential member of the Administration said today: "Our interests in China are growing rapidly. Everything that happens there is of importance to this country. But for the time being our interests in China is to see to it that our treaty rights and commercial interests are not ignored."

"Under present conditions the Administration could do no more, even if the Beresford proposition should take tangible form."

RENOVATED REVENUE STAMPS IN THE MARKET.

Joseph Russell Was Arrested Trying to
Sell Some of the Denomination
of \$1 for 60 Cents.

Joseph Russell, about twenty years old, was arrested by United States Commissioner Simms yesterday on a charge of selling washed and regummed revenue stamps.

Russell was arrested in Broad street, when he was attempting to dispose of the stamps in brokers' offices. When arrested fourteen revenue stamps of the denomination of \$1, from which the cancellation marks had been removed, were found in his possession. He was offering them for sale at 60 cents.

He was held in \$1,500 bail for examination.

CAMPANIA SINKS A SIDE WHEELER.

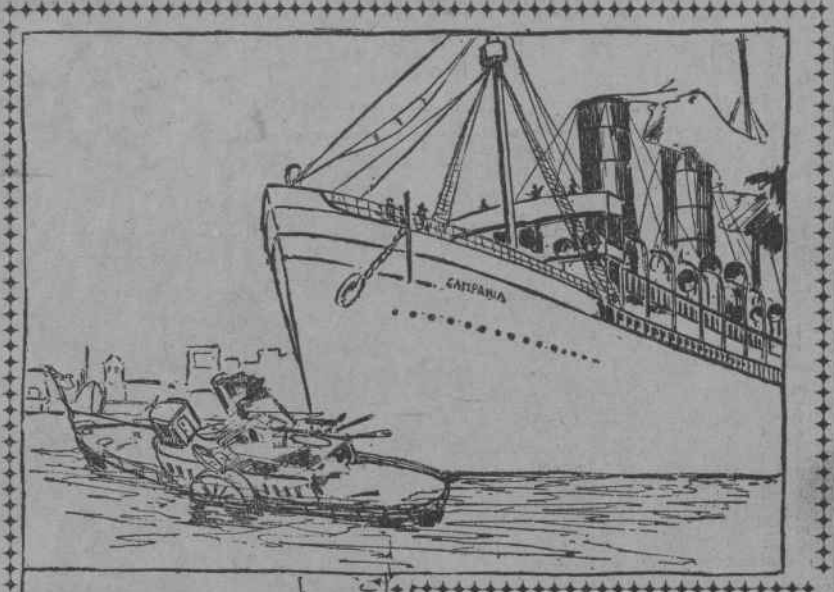


Diagram Showing
How Boats Collided.

The little emigrant transfer vessel
attempted to cross the bow of the
Cunard, but failed to get by.

Big Cunarder Runs Down the Fletcher in the North River.

NC LIVES WERE LOST.

Little Steamer Attempted to Cross the Bow of the Big One.

The Cunard steamship Campania, crowded
with passengers, sank the side-wheeler
steamer Fletcher in the North River yesterday morning.

The Campania, arriving from Liverpool,
passed Quarantine early in the morning
and steamed toward the new docks of the
Harbor.

The Fletcher is an old boat, having been
built in 1884, and is 135 feet long. It is
owned by the New York Harbor Tug Boat
Company. It was valued at \$200,000, and
was in charge of Captain Nicholas Miller,
has been in the employ of the company for
many years.

The most plausible theory of the accident
is that the captain of the Fletcher, ac-
customed as he was to the Cunarders,
stopped at Pier 40, thought that the Cam-
pania was going to turn in there, and
though that misunderstanding cut across
him.

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EVANGELIST CUDDY IS BARRED FROM PREACHING.

He Says Mayor Van Wyck Unjustly
Refuses to Grant Him a Permit
to Do So.

W. A. Cuddy, a Western evangelist, who
is on his way from Washington, D. C., to
Rome in a Gospel wagon, has reached this
city, and complains that Mayor Van Wyck
refuses to give him a permit to preach in
the streets.

Mr. Cuddy claims that he is unfairly dis-
criminated against. He was informed at
the Mayor's office that the refusal was
based on the ground that he is not a regu-
larly ordained preacher of any sect.

He protested that there were many such

John Howard Serves Out
His Commuted Term
of Four Years.

A MAN OF MYSTERY.

Prison Officers Kept the Secret
of His Identity and His
Crime.

John Howard, convict, was released from
Sing Sing Prison yesterday.

When, clothed in the simple black suit of
the time-expired man, he walked through
the stone doorway of the penitentiary, Sing
Sing lost what had been its most mysteri-
ous and interesting prisoner.

If ever a guilty man deserved pardon it
was John Howard. Of course, that is not
his real name, but it was the name that
he used to employ in telling the
man's prison history—a record of which the
former Warden never grew weary.

And just as Warden Sage helped the man
to conceal his identity, so he helped him
to hide his past by refusing to tell even
the nature of his crime.

That it was a crime is shown by the fact
that nearly four years ago John Howard
was sentenced to ten years' imprisonment
at Sing Sing.

Was a Mechanic by Nature.

Howard had been in stripes nearly a
year when one day he saluted the Warden
and asked permission to mend an old ma-
chine for picking and curling hair for
mattresses which had been rendered seem-
ingly worthless by a dye in the prison.

The man had been grim, mysterious, silent, and
the Warden looked up at him quickly.

"No," said the prisoner, "but I used to
have a fondness for such things, and I
should like to try."

From that pile of apparently valueless
iron Howard, with intuitive skill, con-
structed a machine practically new. It was
worth many dollars, and the reconstruction
had cost the State but a few cents.

He received the Warden's thanks in the
form of a letter of commendation. Warden Sage
was to buy two organs for the new prison
chapel, one a very large one. Again How-
ard was chosen.

"I should like to build the organs," he
said this time. There was something very
commendable in it, of course, but he was
asked:

"No," he answered, with the same confi-
dence, "but I have spent a good deal of
time in a piano factory, and I know some-
thing of the principle."

But the organ in the prison, the win-
dows of which overlook the Hudson, John
Howard set to work. One end of the room
was devoted to his use. Piece by piece the
smaller organ developed under his hands.

Part was bought for it,